November 18, 2002

Jessie Roberson
Assistant Secretary for Environmental Management
U.S. Department of Energy
EM-1
1000 Independence Avenue, S.W.
Washington, DC 20585

Dear Ms. Roberson:

On behalf of the Council of State Governments’ Midwestern Radioactive Materials Transportation Committee, I am writing to follow up on the fall meeting of the committee, which took place October 16-17 in Carlsbad, New Mexico. Ms. Victoria Soberinsky of your staff reported to the committee on the progress of the Office of Environmental Management (EM) in implementing the recommendations of the “top-to-bottom” review. We were pleased that both Ms. Soberinsky and Ms. Judith Holm of Albuquerque’s Transportation and Packaging Services were able to participate in our meeting.

The committee greatly appreciates EM’s support for its meetings and other activities. As you know, the states have the primary responsibility for protecting the health and safety of the public in our jurisdictions. We have discussed with Ms. Soberinsky, Ms. Patrice Bubar, and others on your staff the unique challenges that the Midwestern states face as a result of the Department’s shipments of radioactive waste and materials. Although the risks associated with these shipments are often less significant than those posed by other hazardous materials shipments, the public does not often share this perspective. As a result, the states need to be able to demonstrate to the public and to our elected officials that it is possible for these shipments to occur in a safe and uneventful manner.

We do this by a) working closely with the DOE shipping programs and the other corridor states to plan carefully for “highly visible” shipments, b) making sure emergency responders along the routes are properly trained and equipped, and c) responding to media and public inquiries with accurate, appropriate
information. We would not be able to cover all these bases without assistance from your program. We thank you for your continued support of these important activities.

I will confine my remarks to address what, for the Midwestern states, was the most important point Ms. Soberinsky raised in her presentation—namely the transportation initiative within EM to “transition from event planning.” As demonstrated by the enclosed correspondence, the Midwestern states support the idea of moving away from treating each shipping campaign as new and unique. We have been a strong advocate for making use of transportation plans and other plans or practices that have proven successful in previous shipping campaigns. Not reinventing the wheel each time a new campaign takes place can greatly reduce the amount of time and money necessary to plan a successful shipping campaign.

We are also much in favor of a consolidated approach to training first responders. That is, training should prepare responders to handle all accidents involving radioactive waste shipments. If the same corridor is going to be used for multiple shipping campaigns, it simply makes sense to train responders to handle emergencies involving all types of radioactive waste, not just spent fuel or transuranic waste. We are pleased that DOE’s Modular Emergency Response Radiological Transportation Training (MERRTT) embraces this philosophy. The merger of the MERRTT modules with the WIPP States and Tribal Education Program training is another step in the right direction.

Despite our support for streamlining and consolidating DOE’s transportation activities, we are somewhat alarmed by the proposal to “transition from event planning.” The Midwestern states have not yet reached the point of regarding DOE shipments as routine. As a result of our experiences with the MOX fuel shipment, the West Valley shipment, and the Battelle shipments, we continue to regard shipping campaigns as “events.” Judging from what we observe taking place within DOE, it seems to us that the Department itself continues to regard shipments as events. If not, then why must DOE headquarters approve each shipment? The Department apparently feels it is prudent to be so directly involved in the planning and conduct of individual shipments. The Midwestern states feel the same way.

We recognize that the environment has, indeed, changed. Where we seem to disagree with EM, however, is with regard to what that “changing environment” is, and what steps are necessary in response to those changes. In our view, the “changing environment” is marked by three traits:

1. A need for heightened shipment security,
2. Greater public apprehension over shipments, and
3. Severely constrained budgets

We do not believe “careful planning” with “stakeholder involvement” necessarily presents “security issues.” On the contrary, as I hope to make clear, the Midwestern states believe it is
vital for DOE to continue working closely with the states to plan shipments in order to ensure shipment security and to meet the other challenges of this new environment.

First, ensuring the security of shipments is a matter of concern not just for DOE but also for the states affected by the Department’s shipments. State personnel are the ones who would be there with the shipments — whether in an escort capacity, to direct the shipment to safe parking during bad weather, or as emergency responders in the event of an accident. We believe DOE must continue to work closely with the states to plan shipments to ensure that the appropriate coordination has taken place between law enforcement, radiation control, and emergency management agencies. Not only is this coordination vital between DOE and each state, but also between the individual corridor states. The regional transportation planning process is, we believe, the best approach to accomplish this level of coordination.

We must point out that planning shipments with input from the states in no way compromises shipment security. Many of the state personnel involved in the regional groups are either the governors’ designees for receipt of safeguards information or people that receive notification of shipments from the governors’ designees. The state personnel are keenly aware of their responsibility not to divulge safeguards information except to those with a “need to know.” Historically, the only real pieces of information that are protected are the time of departure and the time of arrival at states’ borders. With regard to spent fuel shipments, the states do not openly discuss shipment timelines during regional meetings or during conference calls.

Second, the public has traditionally voiced concern over shipments of radioactive waste. The terrorist threat facing the nation has only exacerbated this concern. The Department must recognize that the best way to build public acceptance for shipments — or, at least, quell public apprehension — is to continue to involve the corridor states in thorough, carefully coordinated shipment planning. Again, we believe the regional approach to such planning is the best one.

The third issue — constrained budgets — is one with which the states can sympathize. In troubled times such as these, tough choices need to be made. We cannot help but observe, though, that the budget for supporting the regional planning process constitutes only a miniscule fraction of the entire EM cleanup budget. DOE reaps a large return on this very small investment through greatly improved coordination with corridor states — which, in turn, enhances the safety, security, and public acceptance of the Department’s shipments.

We believe the regional process actually reduces the cost to DOE of coordinating with the states by establishing a network of informed individuals that is readily accessible through a single point of contact in each region. Moreover, the regional meetings provide a forum for states to communicate with each other while at the same time interacting with the DOE staff responsible for planning shipments. By effectively using the regional meetings to conduct shipment-planning activities, DOE programs can benefit from significant savings in staff time, travel, and telephone bills.
As I’ve tried to make clear, the states in the Midwest fully support the regional approach to transportation planning. The cooperative agreement between DOE and the Council of State Governments’ Midwestern Office (CSG-MW) is what makes it possible for the Midwestern states, as a group, to be involved in this process. The Midwestern governors and the Midwestern Legislative Conference appoint members to the Midwestern Radioactive Materials Transportation Committee to represent the states in discussions concerning policy issues and operational aspects of the Department’s shipments of spent fuel, transuranic waste, and high-level radioactive waste, as well as other “highly visible” shipments. This winter, we look forward to the opportunity to educate our new governors with regard to this unique regional forum and its role in shaping the Department’s policies and programs for moving radioactive waste across the Midwest.

Again, we greatly appreciate Ms. Soberinsky making the trip to Carlsbad to meet with the committee. We hope to welcome either Ms. Soberinsky or Ms. Bubac to a future meeting. If you have any questions regarding this letter, please do not hesitate to call Ms. Lisa Sattler with the CSG-MW staff (920-803-9976) or myself (217-786-6365).

Thank you very much for your attention to these matters. I look forward to your reply.

Sincerely,

[Signature]

Timothy A. Runyon, Chief
Division of Environmental Monitoring,
Illinois Department of Nuclear Safety, and
Chair, CSG Midwestern Radioactive Materials
Transportation Committee
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Enclosures (2)

cc (w/o enclosures):
   Patrice Bubac          Carol Peabody
   Kent Hancock          Ralph Smith
   Judith Holm           Victoria Soberinsky
   Noelle Kostecki